



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,035	10/17/2001	Masakatsu Masaki	5000-4963	7520
27123	7590	06/24/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			KOCH, GEORGE R	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,035

Applicant(s)

MASAKI ET AL.

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-10, 12, 13, 25, 41, 44 and 47-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 41 is/are allowed.
6) ☒ Claim(s) 1, 6-10, 12, 13, 25, 41, 44, and 47-56 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 6-10, 12-13, 25, 44, and 47-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Clitheros (US Patent 4,564,410).

As to claim 1, Clitheros discloses an apparatus for processing a workpiece, specifically a portion of an automobile body, which is capable of processing the portion including a concave portion which extends along a curved line in a substantially longitudinal direction of the automobile body and has opposing , comprising a processing device (item 16) and s upport device (see Figure 2 and 3) movably supporting the processing device, wherein the supporting device includes a slidably

Art Unit: 1734

supported structure (for example, blocks 28, 34 or 36 - and see especially column 5, line 3, which disclose that some supporting structures are slidably mounted) and is movable during the processing operation relative to and along the portion of the automobile body being processed. These blocks cooperate to enable full movement for block 28, to which the processing head is connected. The slidably supported structure is free to move in a widthwise direction of the automobile body relative to the automobile body due to the actions of motor 44 and connecting structures 38, 40 and 42. Clitheros also discloses a longitudinal drive device (item 74) for moving the slidably supported structure relative to the automobile body in a longitudinal direction of the automobile body. Clitheros further discloses that the processing device mounted to the slidably supported structure and includes a processing head having a tip (visible in the figures) capable of engaging either of the side walls and the bottom of the concave portion of the automobile, the processing head thus being capable of moving in the substantially longitudinal direction relative to and along the concave portion, while the processing head is forced to move in the widthwise direction through contact of the tip with either of the side walls of the concave portion in response to change in course of the concave portion in the widthwise direction of the automobile body when the slidably supported structure is moved relatively to the automobile body by the longitudinal drive device.

As to claim 6, Clitheros discloses a tranverse direction driving device (item 44, driving motor) which moves the processing device (item 16) in a width direction of the automobile body:

As to claim 7, Clitheros discloses a position detector (sensor means not shown, see column 6, line 65 to column 7, line 31 for Figure 2, and also column 8, lines 1-52 for the embodiment in Figure 3) for detecting the relative positions of the supporting device and the portion of the automobile body being processed, wherein a transverse direction driving device (item 44) drives the supporting device based on detection signals generated by the position detector via the numerical controller.

As to claim 8, the processing device is movably supported on the slidably supported structure in a vertical direction of the automobile body. Clitheros discloses side support blocks 34 and 36 and a motor (item 74 with connecting structures) for enabling this movement.

As to claim 9, Clitheros discloses a vertical driving device (item 74) for moving the processing device in a vertical direction with respect to the automobile body.

As to claim 10, Clitheros discloses a position detector (sensor means not shown, see column 6, line 65 to column 7, line 31 for Figure 2, and also column 8, lines 1-52 for the embodiment in Figure 3) for detecting the relative positions of the supporting device and the portion of the automobile body being processed, wherein a transverse direction driving device (item 74) drives the supporting device based on detection signals generated by the position detector via the numerical controller.

As to claim 12, Clitheros discloses a transverse direction driving device and a vertical direction driving device. See sections cited in the rejection of claims 6 and 9 above.

As to claim 13, Clitheros discloses a position detector for detecting the relative positions of the automobile and the supporting device, wherein the tranverse direction driving device and the vertical direction driving device drive the processing device based on detection signals generated by the position detector. See sections cited in the rejections of claims 7 and 10 above.

As to claim 25, Clitheros discloses an apparatus for processing a workpiece, specifically a portion of an automobile body, which is capable of processing the portion including a concave portion which extends along a curved line in a substantially longitudinal direction of the workpiece and has opposing , comprising a processing device (item 16) and support device (see Figure 2 and 3) movably supporting the processing device, wherein the supporting device includes a slidably supported structure (for example, blocks 28, 34 or 36 - and see especially column 5, line 3, which disclose that some supporting structures are slidably mounted) and is movable during the processing operation relative to and along the portion of the workpiece being processed. The slidably supported structure is free to move in a widthwise direction of the workpiece relative to the workpiece due to the actions of motor 44 and connecting structures 38, 40 and 42. Clitheros also discloses a longitudinal drive device (item 74) for moving the slidably supported structure relative to the workpiece in a longitudinal direction of the workpiece. Clitheros further discloses that the processing device mounted to the slidably supported structure and includes a processing head having a tip (visible in the figures) capable of engaging either of the side walls and the bottom of the

Art Unit: 1734

concave portion of the workpiece, the processing head thus being capable of moving in the substantially longitudinal direction relative to and along the concave portion, while the processing head is forced to move in the widthwise direction through contact of the tip with either of the side walls of the concave portion in response to change in course of the concave portion in the widthwise direction of the workpiece when the slidably supported structure is moved relatively to the workpiece by the longitudinal drive device.

As to claim 44, Clitheros discloses that the processing device comprises a nozzle for dispensing a strip of adhesive material (see column 8), i.e., a sealant. In any event, Clitheros is capable of performing the claimed function of dispensing the claimed material.

As to claim 47, Clitheros discloses that the processing device comprises a nozzle (item 16) for dispensing a strip of adhesive material (see column 8), i.e., a sealant. In any event, Clitheros is capable of performing the claimed function of dispensing the claimed material.

As to claims 48 and 49, Clitheros discloses that the longitudinal drive device (item 74) is coupled to the slidably supported structure (for example, blocks 34 and especially 28), so that the slidably movable structure is moved in the longitudinal dimension of the automobile body/workpiece.

As to claim 50, Clitheros discloses a transverse direction driving device (item 44) for moving the processing device in a width direction of the workpiece.

As to claim 51, Clitheros discloses a position detector (sensor means not shown, see column 6, line 65 to column 7, line 31 for Figure 2, and also column 8, lines 1-52 for the embodiment in Figure 3) for detecting the relative positions of the supporting device and the portion of the automobile body being processed, wherein a transverse direction driving device (item 44) drives the supporting device based on detection signals generated by the position detector via the numerical controller.

As to claim 52, Clitheros discloses that the processing device is movably supported on the slidably supported structure in a vertical direction of the workpiece (see Figures).

As to claim 53, Clitheros further discloses a vertical direction driving device (item 84) for moving the processing device in a vertical direction with respect to the workpiece.

As to claim 54, Clitheros discloses a position detector (sensor means not shown, see column 6, line 65 to column 7, line 31 for Figure 2, and also column 8, lines 1-52 for the embodiment in Figure 3) for detecting the relative positions of the supporting device and the portion of the automobile body being processed, wherein a vertical direction driving device (item 44) drives the supporting device based on detection signals generated by the position detector via the numerical controller.

As to claim 55, Clitheros discloses a transverse direction driving device (item 44) for moving the processing device in a width direction of the workpiece and a vertical driving device (item 84) for moving the processing device in a vertical direction of the workpiece.

As to claim 56, Clitheros discloses a position detector (sensor means not shown, see column 6, line 65 to column 7, line 31 for Figure 2, and also column 8, lines 1-52 for the embodiment in Figure 3) for detecting the relative positions of the supporting device and the portion of the automobile body being processed, wherein the transverse direction driving device (item 84) and the vertical direction driving device (item 44) drives the supporting device based on detection signals generated by the position detector via the numerical controller.

Response to Arguments

4. Applicant's arguments filed 3/23/2005 have been fully considered but they are not persuasive.

5. In response to applicant's argument that Clitheros does not teach, suggest, or disclose a processing apparatus wherein "the processing head moves in the widthwise direction through contact of the tip with either of the side walls", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). The processing head of Clitheros is

Art Unit: 1734

considered capable of moving "in the widthwise direction through contact of the tip with either of the side walls" via control of the motors.

Allowable Subject Matter

6. Claim 41 is allowed.

7. The following is an examiner's statement of reasons for allowance (As previously cited in the office action mailed 1/28/2004): As to claim 41, Svensson discloses the supporting structure with one arm for supporting the processing device and the first and second processing devices as claimed. Svensson also discloses vertical driving cylinders for each nozzle or processing device (see column 2, lines 65-67). Svensson discloses that the processing devices are spray nozzles. The spray nozzles are "air spray" nozzles, and are capable of functioning as air guns.

However, Svensson does not disclose the first and second transverse driving cylinders, Svensson merely discloses one transverse driving cylinder (item 27) which cooperates with the frame which supports the

Furthermore, Okuda (US Patent 5,085,374) discloses two arms (item 33, see especially Figure 3). The support structures for each nozzle as shown in Figure 3 are analogous to the first and second follower frames. However, neither Svensson or Okuda does not disclose that each arm has a transverse driving cylinder and a vertical driving cylinder. Furthermore, neither Svensson or Okuda disclose that the first and second follower frames respectively comprise first, second and third transversely disposed frames, wherein the second transversely disposed frame of the first follower

Art Unit: 1734

frame is coupled to an end portion of the first arm, and the second transversely disposed frame of the second follower frame is coupled to an end portion of the second arm.

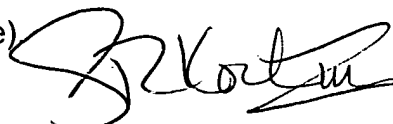
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Patent Examiner
Art Unit 1734

GRK
6/18/2005